IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 693 of 2005

Between:

Daddolu Srinivasulu, S/o. Late Venkaiah, Hindu,
R/o. Thurimerla Village, Dagadarthi Mandal, Nellore District.

... PETITIONER

AND

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Kavali, Nellore District.
3 The Mandal Revenue Officer, Dagadarthi Mandal, Nellore

District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction, one in the nature of Writ of Certiorari call for the entire records in Rc.No. B/223/2004 dated 14/9/2004 issued by the 3rd respondent herein and quash the same and to pass such other just and appropriate orders in the matter.

Counsel for the Petitioner: MR.K.DURGA PRASAD

Counsel for the Respondents 1 to 3: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

Aggrieved by the notice issued by the third respondent – Mandal Revenue Officer dated 14-07-2004, calling for the explanation of the petitioner as to why the land which was purchased by him from the original assignee in respect of Ac.1.41 cents of dry land in Survey No.345-1 of Turimerla Village, Dagadarthi Mandal of Nellore District, should not be cancelled on the ground of violation of assignment conditions, the petitioner said to have submitted his explanation dated 28-07-2004. The grievance of the petitioner is that without considering the said explanation, third respondent passed the impugned order dated 14-09-2004 resuming his land. It is further stated against the said order; the petitioner preferred an appeal before the second respondent, but the second respondent neither considered the appeal filed by the petitioner, nor passed any orders on the same. Hence, the present writ petition.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue and with their consent, the writ petition is being disposed of finally at the admission stage.

3. Having regard to the fact that the appeal filed by the petitioner before the second respondent as against the impugned order passed by the third respondent is pending consideration, I deem it appropriate to dispose of the writ petition directing the second respondent to consider the said appeal filed by the petitioner and pass appropriate orders, expeditiously, in accordance with law. Till passing of such orders, respondents are directed not to interfere with the possession of the petitioner over the land in question.

Accordingly, the writ petition is disposed of at the admission stage.

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N.V. RAMANA, J

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January 25, 2005

NOTE: Copy by wire at partys' costs.

MRR / NSR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Kavali, Nellore District.
3 The Mandal Revenue Officer, Dagadarthi Mandal, Nellore

District.

4 Two C.C. s to the G.P. for Revenue, High Court Buildings,

Hyderabad (OUT)

5 Two C.D. Copies.